IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6379 OF 2007

...

Bajirao Ganpati Patil ...Petitioner

v/s.

Kolhapur Agricultural Produce
Market Committee, Shahu Market
Yard, Kolhapur and ors. ...Respondents

...

Mr.P.D.Dalvi for the Petitioner.
Mr.V.S.Gokhale for the Respondents.

...

CORAM: D.K.DESHMUKH &
J.H.BHATIA, JJ.
DATED: 30TH AUGUST, 2007

P.C.:

Assuming that there is some illegality committed by the Returning Officer in allotting the symbols, in our opinion, the petition cannot be entertained. The settled law is that even if that illegality is established that by itself will not vitiate the election. The election petitioner will have to show that that illegality materially affected the result of the election. Whether the illegality has resulted in materially affecting the result of the election can be known only after the election process is completed. In these circumstances, as the process of election is already set in motion, and as the date of voting is fixed on 9-9-2007, in our opinion, it will not be appropriate to entertain the petition, as after the elections are over, all contentions can be raised by the Petitioner, if it becomes necessary in the election petition. Petition disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)